

Appl. No. : 09/493,794  
Filed : January 28, 2000

the trading network, the first message corresponding to communications in a chemical supplier transaction;

converting the first message generated by the enterprise resource planning computer system into an extensible markup language (XML) message; and

as transmitting the converted first message over the Internet to the clearinghouse that processes the converted first message and provides services related to order fulfillment for the transaction and payment processing for the transaction;

generating a second message at another member of the trading network in a format compatible with a clearinghouse format; and

transmitting the second message through a web browser in the clearinghouse format wherein the steps of transmitting the first and second messages comprises transmitting a purchase order, a shipment proposal and an invoice.

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### REMARKS

Claims 1-25 and 31-34 are pending in this application. By this amendment, Claims 26-30 have been cancelled without prejudice or disclaimer and Claims 1, 2, 4-10, 12, 15-20 and 31 have been amended. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

#### Amendments

Applicants have amended the claim to more clearly protect the subject matter Applicants regard as the invention. Applicants submit that the amendments are fully supported by the application as filed.

#### Rejections for Anticipation

Claims 1-34 have been rejected under 35 U.S.C. § 102(b) over two documents including: (1) the ChemConnect company profile, and (2) the ChemConnect press release (collectively, the "ChemConnect documents").

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Initially, Applicants expressly do not admit that cited documents constitute prior art to the present application.

The first document, the ChemConnect profile, does not have a publication date sufficient to establish it as preceding the filing date of the Applicants' patent application. Whereas, the instant patent application is entitled to a filing date of January 28, 2000, the ChemConnect company profile is entitled only to a date of March 23, 2001. This profile is a dynamic document, and the only applicable date is the date on which the profile was printed. The profile itself contains references to press releases made on March 14, 2001, February 26, 2001 and February 12, 2001. Obviously, these press releases, which are a part of the document the Examiner is asserting, could not have formed a portion of the document prior to Applicants' January 28, 2000 filing date. Although the Company was established in 1995, this fact alone is insufficient to qualify the profile document as prior art. Furthermore, the copyright notice indicating that ChemConnect has had a web site since 1995 does not provide an earlier date for the document printed on March 23, 2001. In fact, the ChemConnect web site today includes completely different content than the document printed on March 21, 2001, but still bears an identical copyright notice with the dates 1995 to 2001.

Furthermore, the press release, which is dated August 1999, does not qualify under 35 U.S.C. § 102(b) since it was not published more than one year prior to the filing of the Applicant's patent application. Accordingly, Applicants reserve the right to swear behind the press release under 37 CFR §1.131.

Despite the fact that the ChemConnect profile does not qualify as prior art under any section of the statute and the ChemConnect press release does not qualify as prior art under 35 U.S.C. § 102(b), the relevance of the references to the claims is fully addressed below.

The ChemConnect press release discloses the use of "an open, neutral market for chemical manufacturers, buyers and intermediaries to conduct real-time, online transactions for all types of chemicals." The ChemConnect press release fails to disclose a system that includes a network, a clearinghouse, an enterprises resource planning system, and a translation server, wherein the web browser transmits data from a first member to the clearinghouse in an original format and the translation server transmits data from a second member to the clearinghouse in a converted format. Likewise, the ChemConnect profile fails to disclose a system that includes a network, a clearinghouse, an enterprises resource planning system, and a translation server,

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wherein the web browser transmits data from a first member to the clearinghouse in an original format and the translation server transmits data from a second member to the clearinghouse in a converted format.

More specifically, the ChemConnect documents fail to disclose or suggest any mechanism for addressing incompatible data formats between members of the clearinghouse, particularly as such issues relate to participants in chemical supply transactions. Accordingly, because the ChemConnect documents fail to show the features of Claim 1 including at least (1) a web browser associated with at least one trading member for transmitting the data in an original format compatible with the clearinghouse format; (2) an enterprise resource planning system for managing resources of at least another trading member; and (3) a translation server coupled to the enterprise resource planning system and the clearinghouse, wherein the translation server converts data into the format of the clearinghouse server and forwards the converted data to the clearinghouse.

Claim 31 discloses particular method steps and the ChemConnect documents fail to disclose these steps and therefore fail to anticipate Claim 31. For example, Claim 31 recites generating, converting and transmitting particular messages in particular formats.

With regard to independent Claim 11, the ChemConnect documents fail to disclose the recited relationship with a banking member and a shipping member. The ChemConnect documents also fail to disclose the clearinghouse having software components for managing the services of banking and shipping members. Similarly, with regard to independent Claim 20, the ChemConnect documents fail to disclose the recited steps performed with relation to the banking and shipping members. Accordingly, the ChemConnect documents fail to anticipate Claims 11 and 20.

All of the remaining claims, including Claims 2-10, 12-19, 21-25 and 32-34, depend from independent Claims 1, 11, 20 and 31, respectively, and are accordingly allowable over the art of record for at least the reasons set forth above. Furthermore, these dependent claims recite further distinguishing factors of particular utility. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

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**Rejections for Obviousness**

The Office Action further rejects Claims 1-34 under 35 U.S.C. § 103(a). These rejections are also respectfully traversed.

Even if combined, the Examiner's multiple references to "official notice" and the ChemConnect documents would not have resulted in the claimed invention. The ChemConnect documents fail to disclose the features as set forth above and the "official notice" of web methods and data mining tools does nothing to obviate this deficiency. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). If the Examiner believes that all of the elements lacking in the ChemConnect documents are commonly known in the art, the Applicants respectfully request that the Examiner produce prior art references showing the features pointed to by the Examiner as being within the realm of common knowledge.

By failing to produce references showing the features deficient in the ChemConnect documents, the Examiner effectively circumvents the requirement that a *prima facie* case of obviousness include a suggestion from the prior art. Applicants submit no motivation existed, prior to the present invention, for the vaguely asserted combinations. The mere assertion that the ChemConnect system could have been improved through known web methods and data mining tools does not provide support for the conclusion that the combination was obvious.

Because the prior art does not render the claims obvious, the withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

For the reasons set forth above, Applicants respectfully submit that all of the rejections are moot as applied to Claims 1-25 and 31-34. Accordingly, withdrawal of all rejections is respectfully requested. Applicants respectfully submit that all pending claims are allowable over the art of record. Prompt allowance is earnestly solicited. If the Examiner believes that a telephone conference would advance the prosecution, he is invited to contact the undersigned attorney at the telephone number listed below.

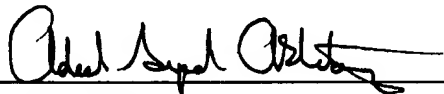
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In the attached Addendum, under the section entitled "Marked-Up Copy of Amended Claims," additions have been underlined and deletions have been ~~stricken through~~. A clean copy of the pending claims is also attached therein.

Respectfully submitted,

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Dated: November 19, 2001

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ADDENDUM

Marked-Up Copy of Amended Claims

1. (Amended) A system for facilitating ~~{business-to-business}~~ chemical supplier transactions comprising:

a network coupled to a plurality of member businesses;~~{and}~~

a clearinghouse computer server associated with the ~~{members}~~ member businesses and coupled to the ~~{members}~~ member businesses through the network, the clearinghouse computer server receiving and forwarding electronic messages transmitted between at least two of the plurality of ~~{members}~~ member businesses, the messages corresponding to communications in a chemical supplier transaction that relate to initiation of the chemical supplier transaction, and at least one of order fulfillment for the chemical supplier transaction and payment processing for the ~~{transaction.}~~ chemical supplier transaction;

a web browser associated with at least one trading member, wherein the trading member generates data and transmits the data through the web browser to the clearinghouse computer server in an original format compatible with a clearinghouse format;

an enterprise resource planning system configured to manage resources of at least another trading member, including product supply chain management; and

a translation server coupled to the enterprise resource planning system and to the clearinghouse computer server, the translation server converting data in a format of the enterprise resource planning system into a converted format of the clearinghouse computer server and forwarding the converted data to the clearinghouse computer server, wherein the converted data and the original format data correspond to communications between a first trading member and a second trading member that relate to initiation of a chemical supplier transaction, order fulfillment for the chemical supplier transaction, and payment processing for the chemical supplier transaction.

2. (Amended) The system of Claim 1, wherein the messages corresponding to communications in the ~~{business-to-business}~~ chemical supplier transaction relate to both order fulfillment for the transaction and payment processing for the transaction.

4. (Amended) The ~~{computer}~~ system of Claim 1, wherein the clearinghouse computer server includes a supplier managed inventory component that monitors an inventory of ~~{a}~~ the first ~~{one-of-the-members}~~ trading member and in response to the inventory reaching a preset level, generating and transmitting a purchase order to ~~{a}~~ the second ~~{one-of-the-members}~~ trading member that was pre-designated as a supplier for the first trading member.

5. (Amended) The ~~{computer}~~ system of Claim 1, wherein at least one of the plurality of ~~{members}~~ member businesses is a shipping company and the clearinghouse computer server includes a shipment tracking component that receives shipment tracking information from the shipping company and that provides the shipment tracking information to the ~~{members}~~ member businesses.

6. (Amended) The ~~{computer}~~ system of Claim 1, wherein the clearinghouse computer server includes a business intelligence component that aggregates data passing through the clearinghouse computer server and that mines the aggregated data for information requested by the ~~{members}~~ member businesses.

7. (Amended) The ~~{computer}~~ system of Claim 1, wherein at least one of the plurality of ~~{members}~~ member businesses is a shipping company and the clearinghouse computer server includes a logistics procurement component that receives shipment requests from trading members and forwards shipment proposals from the shipping members to the trading members.

8. (Amended) The ~~{computer}~~ system of Claim 1, wherein the messages are extensible markup language (XML) messages.

9. (Amended) The ~~{computer}~~ system of Claim 1, wherein the clearinghouse computer server includes a product catalog component that stores a product catalog of products available for sale from the ~~{members}~~ member businesses and forward results of search requests of the catalog to the ~~{members}~~ member businesses.

10. (Amended) The ~~{computer}~~ system of Claim 1, wherein the clearinghouse computer includes a regulatory reporting component that receives information relating to a

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required regulatory report from one of the ~~{members}~~ member businesses, generates a regulatory report for the one member, and transmits the report to an appropriate regulatory authority.

12. (Amended) The network of Claim 11, wherein at least a first one of the trading members includes:

an enterprise resource planning system configured to manage resources of the first trading member, including product supply chain management; and a translation server coupled to the enterprise resource planning system and to the clearinghouse, the translation server converting data in a format of the enterprise resource planning system into a format of the clearinghouse and forwarding the converted data to the clearinghouse; wherein

the converted data corresponds to communications between the first trading member and a second trading member that relates to initiation of a ~~{commercial}~~ chemical supplier transaction, order fulfillment for the transaction, and payment processing for the transaction.

15. (Amended) ~~{The computer system of Claim 11}~~ The network of Claim 11, wherein the clearinghouse includes a supplier managed inventory component that monitors an inventory of a first one of the trading members and in response to the inventory reaching a preset level, generating and transmitting a purchase order to a second one of the trading members that was pre-designated as a supplier for the first member.

16. (Amended) ~~{The computer system of Claim 11}~~ The network of Claim 11, wherein the clearinghouse includes a shipment tracking component that receives shipment tracking information from the shipping member and that provides the shipment tracking information to the trading members.

17. (Amended) ~~{The computer system of Claim 11}~~ The network of Claim 11, wherein the clearinghouse includes a business intelligence component that aggregates data passing through the clearinghouse and that mines the aggregated data for information requested by the members.

18. (Amended) ~~{The computer system of Claim 11}~~ The network of Claim 11, wherein the clearinghouse includes a logistics procurement component that receives shipment requests from trading members and forwards shipment proposals from the shipping member to the trading members.



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19. (Amended) ~~{The computer system of Claim 11}~~ The network of Claim 11, wherein the clearinghouse includes a product catalog component that stores a product catalog of products available for sale from the trading members and forwards results of search requests of the catalog to the trading members.

20. (Amended) A method for facilitating ~~{business-to-business}~~ chemical supplier transactions between members in a trading network comprising:

receiving a purchase order for a product at a clearinghouse from a member of the network and directed to a second member of the network;

forwarding the purchase order from the clearinghouse to second trading member of the network;

receiving shipment proposals at the clearinghouse from a plurality of shipping members of the network to ship the product associated with the purchase order;

receiving an invoice at the clearinghouse from the second trading member for the product; and

forwarding the invoice to the first trading member and to a pre-designated banking member of the network first trading.

31. (Amended) A method for facilitating chemical supplier transactions between members in a trading network through the use of a clearinghouse, the method comprising the steps of:

generating ~~{messages}~~ a first message relating to ~~{business-to-business}~~ a chemical supplier commerce {transactions} transaction at an enterprise resource planning computer system ~~{including generating messages relating to the management of supply chain activities of a company, messages}~~ associated with at least one member of the trading network, the first message corresponding to communications in a ~~{business-to-business}~~ chemical supplier transaction;

converting the ~~{messages}~~ first message generated by the enterprise resource planning computer system into an extensible markup language (XML) ~~{messages}~~ message; and

transmitting the converted ~~{messages}~~ first message over the Internet to the clearinghouse that processes the converted ~~{messages}~~ first message and provides